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MILITARY SERVICE ACT, 1917.

PAMPHLET OF INFORMATION AND INSTRUCTIONS FOR LOCAL MILITARY REPRESENTATIVES.

I: *An outline of the Military Service Act.*

Preliminary Note: It is not intended to call up for military service *all* the men of the country who are of military age. The operation of the Act is limited by its own express terms to *one hundred thousand men*. Furthermore, the *Selective System* having been adopted, the requisite number of men will be drawn from those available with due regard to requirements of the essential industries of the country, including agriculture. Special domestic or business circumstances will also receive consideration in individual cases. (See below, para. 7.)

It is to be noted, on the other hand, that nothing in the Act prevents *any one* whose class has not already been called out by Proclamation, from *voluntarily* offering to enlist in any unit still authorized to recruit.

Question: To whom does the Act *not* apply?

Answer: The Act does not apply to any one who comes within any of the following classes, who are *excepted* from the operation of the Act:—

(1) Men who hold a certificate granted under the Act and in force, other than a certificate of exemption from combatant service only.

(2) Members of His Majesty's regular, reserve, or auxiliary forces, as defined by the Army Act.

(3) Members of the military forces raised by the Governments of any of His Majesty's other dominions, or by the Government of India.

(4) Men serving in the Royal Navy, or in the Royal Margines, or in the Naval Service of Canada, and members of the Canadian Expeditionary Force.

(5) Men who have, since August 4, 1914, served in the Military or Naval Forces of Great Britain, or her Allies, in any theatre of actual war and have been honourably discharged therefrom.

(6) Clergy, including members of any recognized order of an exclusively religious character, and ministers of all religious denominations existing in Canada at the date of the passing of this Act.

(7) Those persons exempted from military service by Order in Council of August 13, 1873, and by Order in Council of December 6, 1898 (*i.e.*, certain Mennonites and Doukhobors).

The Act does not apply to any one unless he is a British subject, and is, or has been since August 4, 1914, a resident in Canada.

2. *Question*: How will the Act be put into force?

Answer: Proclamations will be issued from time to time by the Governor General in Council calling out for service successive classes of men (set forth in detail in the following paragraph), until the required number—one hundred thousand—is obtained. Such Proclamations will be published in the *Canada Gazette* and in such other manner as is considered necessary to bring it to the notice of those concerned. (Should the first class furnish the necessary one hundred thousand, the following classes will not be called out under the present Act.)

3. *Question*: In what order will the men, liable for military service under the Act, be called up?

Answer: In the order of the following six classes (which may be subdivided later):

Class 1.—Those who have attained the age of twenty years and were born not earlier than the year 1883, and are unmarried, or are widowers but have no child.

Class 2.—Those who have attained the age of twenty years and were born not earlier than the year 1883, and are married, or are widowers who have a child or children.

Class 3.—Those who were born in the years 1876 to 1882, both inclusive, and are unmarried, or are widowers who have no child.

Class 4.—Those who were born in the years 1876 to 1882, both inclusive, and are married, or are widowers who have a child or children.

Class 5.—Those who were born in the years 1872 to 1875, both inclusive, and are unmarried or are widowers who have no child.

Class 6.—Those who were born in the years 1872 to 1875, both inclusive, and are married, or are widowers who have a child or children.

NOTE.—Any one married since July 6th, 1917, shall be considered as unmarried for the purpose of this classification.

4. *Question:* Will every man in the class called out be obliged to serve?

Answer: No, the Act sets forth certain grounds on which a man may apply for exemption from military service. (See paragraph 7.)

5. *Question:* What is the difference between *Exception* and *Exemption*?

Answer: Men *excepted* from the Act are those belonging to any of the classes enumerated in paragraph 1. Such men will not be called out at all, and need make no application to be relieved from service.

Exemption applies to those who, when their class is called up, make application on special grounds to be relieved from service, and who establish before a Local Tribunal established under the Act that they are entitled to a Certificate of Exemption.

6. *Question:* Is there any penalty for not reporting in accordance with the Proclamation?

Answer: Yes; any man who fails to apply for and fill in a Report for Service or Claim for Exemption within the delay specified in the Proclamation, will be liable, on summary conviction, to five years' imprisonment with hard labour.

7. *Question:* On what grounds may application for exemption be made?

Answer: A man called out in any class may apply for exemption on any of the following grounds:

(1) That it is expedient in the national interest that, instead of being employed in military service, he should (a) be engaged in other work in which he is habitually engaged, or in which he wished to engage and for which he has special qualifications; or (b) continue to be educated or trained for any work for which he is at the time being educated or trained.

(2) That serious hardship would ensue, if he were placed on active service, owing to his exceptional financial or business obligations or domestic position.

(3) Ill health or infirmity.

(4) Conscientious objections to combatant service, from which he is prohibited by the tenets and articles of faith, in effect on the 6th July, 1917, of any organized religious denomination existing and well recognized in Canada at such a date, and to which he in good faith belongs.

8. *Question:* What will be the position of a man who has been granted a certificate by the Tribunal?

Answer: If the applicant makes satisfactory proof to the Tribunal of his right to exemption, a certificate will be issued to him, exempting him from military service or certain kinds of military service, as follows,—

(1) A certificate granted on the ground of the applicant being educated or trained for special work or being

in such an exceptional financial, business or domestic position that serious hardship would ensue if he were called out for service, will be a *temporary* certificate only.

(2) A certificate granted on the grounds of conscientious objections will exempt the holder from *combatant* service only, so that he will still be liable for service in any non-combatant branch of the Army, such as the Army Service or the Army Medical Corps.

(3) Any other certificate may also be conditional either as to time or otherwise.

(4) Any certificate, whether conditional or not, may at any time be renewed, varied, or withdrawn by the Tribunal which issued it.

9. *Question:* What is the position of a man holding a conditional or temporary certificate?

Answer: He is exempted from service so long as the period of time or the condition specified in the certificate lasts. Within three days after such a period of time lapses, or such condition ceases to exist, he must notify Registrar under the Act for the Province in which he resides—on pain of a fine of \$200.

10. *Question:* Will there be any penalty for misrepresentation concerning a certificate?

Answer: Yes; the following penalties are provided in the Act:—

(1) Any one, who, for the purpose of obtaining for himself, or for any other person, a certificate or a condition in a certificate, or the renewal, withdrawal, or variation of a certificate, makes any false statement or representation, shall be liable to twelve months' imprisonment, with or without hard labour.

(2) Any one who, without special leave from the Minister of Justice, applies to more than one Local Tribunal for a certificate, or helps any one else to do so, shall be liable to a fine of from one hundred to one thousand dollars.

(3) Any person who alters or tampers with a certificate or falsely represents himself to be in possession of a certificate, shall be liable to six months' imprisonment.

11. *Question:* Will there be a right of appeal from the decision of a Local Tribunal?

Answer: Yes; appeal Tribunals will be established in the different provinces, to which appeals may be taken from the Local Tribunals; and there will be a Central Appeal Tribunal for the Dominion to which, in certain cases, appeals may be taken from the Provincial Appeal Tribunals. Regulations governing such appeals will be issued later.

12. *Question:* Will there be any penalty for contravening the provisions of the Act generally?

Answer: Yes; any one subject to the Act who contravenes any of its provisions, for the contravention of which there is no specified penalty, shall be liable to from ten to five hundred dollars fine, or to twelve months' imprisonment, or to both.

13 *Question:* Will there be any penalty for resisting or impeding the operation of the Act?

Answer: Yes; any one who resists or impedes the operation of the Act will be liable to imprisonment for a term of from one to five years.

14 *Question:* Will there be any penalty for inducing or urging others to impede the operation of the Act, or contravene any of its provisions?

Answer: Yes; any one who does so will be liable to imprisonment of from one to five years.

15. *Question:* Is there anything to prevent the publication in newspapers, periodicals, etc., of matter intended to impede the operation of the Act, or to urge or advise others to do so, or contravene its provisions?

Answer: Yes; any publication containing any such matter, may be summarily suppressed, and its further issue prohibited for the duration of the war.

NOTE: The War Time Elections Act, 1917, exempts from combatant military or naval service all naturalized British Subjects, naturalized since March 31st, 1902, who were born in an enemy country, or who were born in Europe, and whose mother tongue is a language of an enemy country, as well as their sons who have not, on polling day, attained legal age.

II.—ORGANIZATION AND ADMINISTRATION UNDER THE MILITARY SERVICE ACT.

A.—ORGANIZATION.

Military Service Council.

A Military Service Council has been appointed by the Government for the purpose of assisting the Department of Justice in the administration of the Military Service Act. This Council is composed as follows:—

E. L. Newcombe, Esq., C.M.G., K.C.,

Deputy Minister of Justice.

John Moss, Esq., K.C.

O. M. Biggar, Esq., K.C.

Lieut. Colonel Machin.

L. Loranger, Esq., K.C.

Provincial Registrars.

2. In each province there has been appointed a registrar for the purpose of receiving Reports for Service, and Claims for Exemption, which will be forwarded to him by the post office authorities, and registering the same. In any province where there are two military districts, or parts of two military districts, a deputy registrar will be appointed for the second district, or part thereof, which lies within the province.

Tribunals.

3. Local tribunals have been established throughout the country, composed in each case of two members, one appointed by members of the judiciary, and the other by a parliamentary committee of selection. The location of these tribunals is given in the Supplement to the *Canada Gazette* of September 15, 1917.

There will be, in each province, an appellate tribunal, to which appeals may be taken from the local tribunals.

As a court of last resort, the Honourable Mr. Justice Duff, of the Supreme Court, has been appointed central appeal judge.

Military Subcommittee.

4. For the purpose of advising the Military Service Council on military matters, and for the administration of the Act from the military side, there has been appointed a military subcommittee, composed of the following:—

Major-General Gwatkin,

Chief of the General Staff.

Major-General Mewburn, C.M.G.,

A/Adjutant-General.

Surgeon-General Fotheringham,

A/Director General Medical Services.

Colonel MacInnes, C.M.G.,

D.A.G. Organization.

Captain Tyndale,

D.A.A.G. Organization, Secretary.

District Military Representatives.

5. In each military district an officer has been appointed for the purpose of supervising the administration of the Act in his district. This officer, called the District Military Representative, will correspond direct with the Military Subcommittee on the one hand, and with the provincial registrars on the other.

Local Military Representations.

At each of the Local and Appellate Tribunals there will be a Representative of the Militia Department, not necessarily an officer, who will work under the supervision of the District Military Representative.

B. ADMINISTRATION.

The Proclamation calling out the first class will direct all men within that class to attend at the nearest Post Office and fill in a form, either a Report for Service or Claim for Exemption, which will be forwarded by the Post Office Authorities to the Provincial Registrars; the man being given a counterfoil to show that he has complied with the law. A period of twenty-eight days will be allowed for this purpose, after the lapse of which, any man in the class who has not signed either a Report for Service or a Claim for Exemption, will be liable, under Section 4 (4) of the Act, on summary conviction to five years imprisonment with hard labour.

2. Medical Boards have been established in as many places as possible throughout the country. Men belonging to the first class have already been invited to present themselves voluntarily for examination, in order to ascertain their status under the Act; those who so presented themselves for examination were given a copy of their Medical History Sheet, which they should attach to their Report for Service or Claim for Exemption.

3. Those reporting for service who have not already been examined since the Act came into force, will be directed by the Provincial Registrar to report at a specified date and place for Medical Examination, after which they will be allowed to return to their homes to await further orders, with the option of voluntarily reporting immediately for duty to a Depot Battalion, in which case they will be furnished with transportation by the Medical Board.

For the time so spent in reporting for examination, the men will be allowed Two Dollars (\$2.00) per day for pay and subsistence, besides being furnished with transportation.

4. Those who attached to their Report for Service a copy of the Medical History Sheet given to them by the Medical Board need do nothing further until they receive a notification from the Registrar to report to a Depot Battalion.

5. Those who have claimed exemption will be notified by the Registrar of the date at which their claim will be

considered, and of the address of the tribunal, and the claimant will be directed by this notice to send immediately in writing to the Tribunal whatever he desires to lay before it in support of his claim. He may attend personally at the Tribunal on the date mentioned, but this is not recommended unless it is impossible properly to set forth the facts in writing.

6. If an applicant's claim for exemption has been refused by the Tribunal, or if it becomes necessary for the man concerned to be medically examined for any reason, he will be notified by the Tribunal to report to the nearest Medical Board, (unless, of course, he has attached to his claim for exemption a copy of his medical history sheet, having been previously examined.) After the refusal of his claim, and after the man has been medically examined, he will be treated as a man that has reported for service, and has been medically examined unless an appeal has been taken by him or on his behalf.

7. When the Tribunals begin to sit after the preliminary period allowed for reporting or claiming exemption, the Local Military Representatives will be in attendance to safeguard the interests of the service.

8. It is estimated that practically all the claims, other than those on which an appeal has been taken, will be disposed of within about twenty-five days.

9. When this second period has elapsed, the Registrars and Deputy Registrars will, on advice from the Military Authorities, order to report for duty to the different Depot Battalions, at specified dates, such numbers of men as can conveniently be handled.

NOTE:—From the above it will appear that “reporting” under the Act consists of three distinct and successive steps:—

(a) *Report for Service*, i.e. attending at the nearest Post Office and filling in the official form. This should be done as soon as possible after the Proclamation is issued. (See Para. 1. above.)

(b) *Report for Medical Examination*, i.e. attending at a Medical Board pursuant to the written notice received from the Registrar, (see para. 3 above.) This will,

of course, be unnecessary for those who have attached their Medical History Sheet to the Report for Service.

(c) *Report for duty*, i.e. reporting to a Military Depot to be equipped with uniform, etc., and start training as soldiers. This will be done, (unless, of course, the man has already voluntarily reported for duty,) upon written notification received from the Registrar, which will be accompanied by the necessary transportation. (See para. 9 above.)

III.—DUTIES OF LOCAL MILITARY REPRESENTATIVES.

General.

Officers of the C.E.F. detailed, and civilians appointed, to act as Local Military Representatives at the Local Tribunals, should understand the necessity for avoiding, wherever possible, any conflict or misunderstanding with the civil authorities; to this end they should be familiar with the administration of the Act from the civil side.

They should also understand that it is the desire of the military authorities to obtain the necessary reinforcements by taking such men as can best be spared without unduly disorganizing the agricultural, industrial or commercial activities of the country. On the other hand, it is pointed out that reinforcements are most urgently required, and that every one must expect to make some sacrifice, or be put to some inconvenience, when the country is engaged in such a momentous struggle.

2. The work of the Local Military Representative will fall into two periods (a) from the date of the Proclamation to the day on which the tribunals commence to sit, and (b) the period during which the tribunals sit.

Preliminary.

3. The Proclamation calling out the first class will specify a delay during which all men of the class called out must either report for service or claim exemption.

4. During this preliminary period it will be the duty of the Local Military Representative to ascertain by personal inquiry, and by consultation of the various registers kept by the civil authorities, to which he will be allowed access, that all men in the locality of the class called out comply with the law. He should make a note of any cases of non-compliance which come to his knowledge and report to the District Military Representative for the administration of the Act in his Military District.

Attention is called to the explanatory announcement issued by the Minister of Justice on the 11th of September, which appeared in all the daily newspapers in Canada, and was posted in all post offices. The representative, pursuant to this notice, should endeavour to explain to those in his locality affected by the Act the advisability of reporting or claiming exemption as early as possible. He should also make clear that the man who reports for service will not be placed on active service any earlier than the man who claims exemption, and does not sustain his claim; furthermore, claims for exemption will be dealt with in the order in which they are received, so that the man who files his claim first will be the first to know his status.

During the last three or four days of the delay for reporting or claiming exemption, while tribunals are sitting to receive reports and claims, he should be in attendance at the tribunal.

Preliminary Investigation.

6. The Claims for Exemption which are sent in through the post office to the Registrar of the District will be scheduled by him, and copies sent daily to the District Military Representative, who will transmit them to the Local Military Representative. These schedules will indicate the date, and the tribunal at which the person concerned will be heard, or his claim considered.

These schedules will be in the hands of the Local Military Representatives some days before the hearing of the claim in each case. In this way, the Representative will be enabled to investigate each claim before it is

heard by the Tribunal. In cases where the claim is found, by this preliminary inquiry, to be well founded, the Representative should notify the Tribunal in writing, that the claim will not be contested by him.

It is impossible to give detailed instructions to the Representative as to what action he should take in each individual case, so that he will be obliged to use his own discretion; but he should be guided by the following general considerations:

Grounds of Exemption.

He should allow no exemption to be granted unless it is based on one of the six statutory grounds of exemption enumerated in Section 11 of the Act, which are as follows:—

(a) That it is expedient in the national interest that the man should, instead of being employed in Military Service, be engaged in other work in which he is habitually engaged.

(b) That it is expedient in the national interest that the man should, instead of being employed in Military Service be engaged in other work in which he wishes to be engaged and for which he has special qualifications.

(c) That it is expedient in the national interest that, instead of being employed in Military Service he should continue to be educated or trained for any work for which he is then being trained or educated.

(d) That serious hardship would ensue, if the man were placed on active service, owing to his exceptional financial or business obligations or domestic position.

(e) Ill-Health or Infirmary.

(f) That he conscientiously objects to the undertaking of combatant service and is prohibited from so doing by the tenets and articles of faith, in effect on the sixth day of July, 1917, of any organized religious denomination existing and well recognized in Canada at such a date, and to which he in good faith belongs.

(a) and (b) Every application made on either of the first two grounds as set forth above, if it be a question of

industry or commerce, should be supported by an affidavit from the employer or intended employer that (1) the applicant's services are essential to the industry or commerce in question, and (2) that it is impossible to replace him by any one who is not liable or fit for Military Service, or is not in the class called out. This should be verified by the Local Representative so far as possible, and he should also satisfy himself that the industry or commerce is in fact essential to the national interest and welfare of the Country, before allowing the claim.

If the occupation in question be *agricultural*, there is no doubt as to its being in the national interests not to interfere with it unduly; but the Local Military Representative should ascertain that the applicant is engaged in work which could not be performed by female help, or by some one available who is not in the class called out, or is unfit or not liable for service.

Exemption may be agreed to in the case of *highly trained scientists*, or *technologists*, who are performing work of national importance, but a certificate from the employer or the head of the department in which the man is engaged should be insisted upon.

It is to be borne in mind that no man must be allowed exemption simply because he is engaged in a class of work which is important for the welfare of the country. It must be ascertained that the particular individual who claims exemption, or for whom exemption is claimed, is himself a skilled and valuable man in the work in question, and cannot be replaced.

In any event, the local military representative should ensure that every certificate of exemption based on either of the first two grounds, is conditional on the man remaining in the class of employment in question.

c. As to the third ground, the foregoing remarks apply, *mutatis mutandis*, except in the case of students, in regard to whom the local military representatives will act as follows:—

The Military Representatives will not oppose a claim for exemption made by a medical, dental, or veterinary student on the ground set forth in paragraph c. of Section 11 of this Act. He will, however, agree to such an

exemption only with the proviso that the certificate of exemption issued to such a student shall be a *temporary* certificate, expiring when the course which the student is attending is completed, and shall further be *conditional* on such a student following whatever course in military training is established at the institution which he attends.

As to other students, each case must be considered on its merits, on the general principle, however, that students, other than those mentioned above, will normally be more valuable to the country in a combatant capacity than any other.

d. It is not expected that there will be many men in the first class called out entitled to exemption on the ground of *exceptional financial or business obligations*. In cases where this ground is advanced, however, most careful inquiry should be made. Local bank managers would be in a position to give useful information in this connection, and their advice should be sought. It is pointed out that this provision was inserted in the Act, for the protection, not so much of the man himself, as of those towards whom he had financial or business obligations. The fact that the man will suffer pecuniarily by being called out for service is by no means sufficient ground for exemption, as the majority of those called out will so suffer, just as the majority of volunteers have done. It is only in cases where a man has such financial or business obligations towards a number of other people as would create considerable confusion were he to leave his business in other hands, that he should be allowed exemption.

If in view of the foregoing, the Local Military Representative considers that an applicant should be exempted on this ground, he should see to it that the certificate is one of *temporary* exemption only, allowing the applicant time to put his affairs in order, and make provision for the meeting or deferring of his important obligations.

Where exemption is claimed on the ground of *exceptional domestic position*, inquiry should be made among responsible citizens who know the parties in question, particularly the clergyman or priest of the parish in which the man resides. It must be understood, however, that

undue weight must not be given to sentimental considerations, since, as pointed out above, everyone must expect to make sacrifices in such a time as the present. Exemption should be allowed on this ground, therefore, only in cases where a man is the *sole* support of a widowed mother, or has other dependents who would be *quite* unprovided for if he were called out. It is pointed out, furthermore, that men called up under the Act will receive the same pay, with the option of assigning 66⅔ per cent thereof, and that grants will be made by the Canadian Patriotic Fund to dependents of men who are sent overseas under the Military Service Act, as in the case of Volunteers. Government Separation Allowance to a widowed mother will also be allowed if the son called up is her *sole* support.

e. Where application is made on this ground the Local Military Representative may allow the exemption if the applicant is *obviously* infirm, deformed or crippled. Before thus allowing such exemption, however, the Military Representative should, in every case, see the applicant personally. Subject to this, no exemption on this ground should be allowed without the production of a certificate from a duly constituted Medical Board. On production of such certificate, exemption may be allowed if the man is not categorized as "A", but such exemption should be only temporary, unless the man is classified as "E", namely totally unfit for Military Service.

f. Every application on this ground should be supported by an affidavit or solemn declaration of the clergyman of the religious denomination in question, and the Local Representative should ensure that the person making the affidavit or declaration, is, in fact, a minister of the denomination, and that the conditions of this subsection of the Act are fulfilled.

The Local Military Representative should also ensure that Section 11 (2) (a) of the Act is complied with, namely that a certificate of exemption granted on this ground is explicitly *from Combatant Service only*.

NOTE: The War Time Elections Act, 1917, provides that "All persons who shall have voted at a Dominion election held subsequent to the 7th day of October, 1917, during the present war shall be held ineligible and in-

competent,—(a) to apply for, or to be granted on the application of another, exemption from combatant military or naval service on conscientious grounds, or, (b) to be excepted as a Mennonite or as a Doukabor from the provisions of said Act respecting Military Service or exempted as such from combatant military or naval service on conscientious grounds.”

Reports to District Military Representatives.

7. On the completion of each day's work before the Tribunal, the Local Military Representative will transmit to the District Military Representative the copy of the schedule of the cases considered by the Tribunal on that day, indicating thereon in what manner each case has been disposed of.

Where a case is not disposed of immediately but is taken under advisement, the Local Military Representative will indicate this on the schedule sent forward, and will subsequently, on receiving notice from the Tribunal as to the decision arrived at, report this decision immediately to the District Military Representative, giving the necessary reference.

8. In cases where the Local Military Representative considers it advisable to appeal from the decision of the Tribunal, he should make sure that he complies with the regulations in this regard, both as to time and formality. He should immediately notify the District Military Representative for the administration of the Act in his District in every case in which he appeals, stating in writing the grounds on which his appeal is based. When this is done, his duties in regard to this particular case are ended, as the prosecution of the appeal will not devolve upon him.

In cases of doubt whether to appeal or not, the Local Military Representative may apply for instructions to the District Military Representative, but in most cases he will be expected to use his own discretion, on the general principle that, consistent with the interests of the service, the fewer appeals taken the better.

9. It will be the duty of the Local Military Representatives to report immediately, by telegram, to the District Military Representatives, any serious irregularity which comes to his notice during the sittings of the tribunal, such as, for instance, failure of the members to sit continuously during the prescribed period, or anything that would appear as pre-arranged exemption of any one on other than the statutory grounds.

10. While on duty at the tribunals the Local Military Representative will *not* wear uniform unless he is an officer actually on the strength of the C.E.F.

11. The foregoing instructions are subject to amendment.

(Issued by authority of the Military Subcommittee for the administration of the Military Service Act.)

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